

EXHIBIT

A

From: [Scutero, Peter \(LAW\)](#)
To: [Marquez, Lillian](#); [AG-NYPDLitigation](#); [GrayLegalTeam@dwt.com](#); [Payne Litigation Team](#); [rolonlegalteam@aboushi.com](#); [Lalit Loomba](#); [Steven Bushnell](#); [Stephen Mc Quade](#); [aquinn@quinnlawny.com](#); [PBALitigationTeam@schlamstone.com](#); [anthony.coles@dlapiper.com](#)
Cc: [NYC Law Protest Team](#)
Subject: RE: [EXTERNAL] RE: In re New York City Policing 20-cv-8924 (CM)(GW): Administrative Guide
Date: Friday, May 19, 2023 10:42:00 AM

See Teams Meeting link below for today's 12:30 PM meet and confer. Thank you.

<https://teams.microsoft.com/l/meetup-join/19%3a8ea33d8335d8483fb8db240e4fc4431d%40thread.tacv2/1684507200101?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%22c4616bb8-ef39-4476-ba9d-256c681008b1%22%7d>

Peter Scutero
New York City Law Department

From: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>
Sent: Thursday, May 18, 2023 6:33 PM
To: Scutero, Peter (LAW) <PScutero@law.nyc.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; GrayLegalTeam@dwt.com; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam@aboushi.com; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; Stephen Mc Quade <smcquade@pittalaw.com>; aquinn@quinnlawny.com; PBALitigationTeam@schlamstone.com; anthony.coles@dlapiper.com
Cc: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: RE: [EXTERNAL] RE: In re New York City Policing 20-cv-8924 (CM)(GW): Administrative Guide

Peter,

We can meet at 12:30 PM tomorrow; please circulate a link. If there is a specific request you plan on making to the Court that you wish us to consider and discuss at the conferral, please send it beforehand.

As to your question about the timeline, the NYPD published a [timeline](#) of edits to the Patrol and Administrative Guides on its website. Our understanding is that the AG starts at procedure numbers 300 and up. As far as we can tell, that document does not reference any amendments to the AG during the period of the Protests. But if you are saying that document is incorrect or there's something else I'm missing, please be prepared to discuss that tomorrow. Please also be prepared to discuss why Defendants will have been unable to produce anything at all to comply with the Court's order.

Thank you,
Lillian

Lillian Marquez | Assistant Attorney General
New York State Office of the Attorney General, Civil Rights Bureau
28 Liberty St., New York, NY 10005

Tel: 212-416-6401 | lillian.marquez@ag.ny.gov | www.ag.ny.gov
Pronouns: She/Her/Hers

From: Scutero, Peter (LAW) <PScutero@law.nyc.gov>
Sent: Thursday, May 18, 2023 3:49 PM
To: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; GrayLegalTeam@dwt.com; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam@aboushi.com; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; Stephen Mc Quade <smcquade@pittalaw.com>; aquinn@quinnlawny.com; PBALitigationTeam@schlamstone.com; anthony.coles@dlapiper.com
Cc: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
Subject: RE: [EXTERNAL] RE: In re New York City Policing 20-cv-8924 (CM)(GW): Administrative Guide

Counsel,

Thank you for your email. We do not understand your comment about the timeline of edits to the Department Manual indicating that there appears to be no revisions to the AG during the period of the Protests. What are you basing that information on and where did it come from? It is inconsistent with our knowledge of the facts.

In any event, we are available between 11 am and 2pm tomorrow for a meet and confer. Please let us know if you are available to meet during this period. We do not expect it to take very long.

Regards,

Peter Scutero
New York City Law Department

From: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>
Sent: Thursday, May 18, 2023 1:10 PM
To: Scutero, Peter (LAW) <PScutero@law.nyc.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; GrayLegalTeam@dwt.com; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam@aboushi.com; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; Stephen Mc Quade <smcquade@pittalaw.com>; aquinn@quinnlawny.com; PBALitigationTeam@schlamstone.com; anthony.coles@dlapiper.com
Cc: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>
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Peter,

Defendants agreed to produce the Administrative Guide in its entirety. After months of dragging out the conferral process (during which no attempt to even purportedly parse out responsive

from nonresponsive procedures was made) we are continuously being prejudiced due to the lack of any copy of the Administrative Guide as it existed at the Protests.

NYPD's own timeline of edits to NYPD's Department Manual, which includes procedures number 300 and up (i.e., the Administrative Guide), it appears that *no* revisions were done to that guide during the period of the Protests. So, we do not understand what burden you're referring to when you say there are multiple versions that need be produced. In any event, Defendants agreed, and the Court ordered Defendants to, produce it. We'll note that Defendants were supposed to identify a time of production by May 10 and we did not object when *they* chose a later date to produce it, by May 19. There is no emergency here – Defendants have had years to produce this, have been on notice since at least February of the deficiency, and chose this deadline of May 19 to produce the AG.

The Court affords Plaintiffs a business day to respond to requests to meet and confer – which you have not provided. That said, Plaintiffs have attempted to find a mutually-available time to attend a conferral today during the times you've identified but have been unable to do so. We can try to find a time Friday to confer if Defendants provide times of availability, though the Court has already admonished Defendants for same-day requests for extensions. If Defendants will be moving for an extension without conferring, please advise us so we may provide our position.

Regards,

Lillian Marquez | Assistant Attorney General

New York State Office of the Attorney General, Civil Rights Bureau

28 Liberty St., New York, NY 10005

Tel: 212-416-6401 | lillian.marquez@ag.ny.gov | www.ag.ny.gov

Pronouns: She/Her/Hers

From: Scutero, Peter (LAW) <PScutero@law.nyc.gov>

Sent: Wednesday, May 17, 2023 8:06 PM

To: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>; AG-NYPDLitigation

<AG.NYPDLitigation@ag.ny.gov>; GrayLegalTeam@dw.com; Payne Litigation Team

<PayneLitigationTeam@nyclu.org>; rolonlegalteam@aboushi.com; Lalit Loomba

<lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; Stephen Mc Quade

<smcquade@pittalaw.com>; aquinn@quinnlawny.com; PBALitigationTeam@schlamstone.com;

anthony.coles@dlapiper.com

Cc: NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>

Subject: RE: [EXTERNAL] RE: In re New York City Policing 20-cv-8924 (CM)(GW): Administrative Guide

Counsel,

As noted in our previous email below, the nature and amendment process of the Guide make it extraordinarily burdensome for Defendants to produce in the manner in which Plaintiffs wish Defendants to produce it. We had hoped that Plaintiffs would appreciate this burden, forgo their demand for all sections of the Guide—especially the non-relevant sections (there are many), and work with Defendants' earlier proposal that could have provided Plaintiffs with responsive

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documents by May 19. However, Plaintiffs' request for all versions of the Administrative Guide along with their unwillingness to select relevant sections from the Table of Contents have overwhelmed Defendants and made it impossible to produce the Guide by May 19th. Accordingly, it is emergent for the parties to meet and confer tomorrow. Defendants will be unable to comply with the court order by Friday. As such, we need to meet and confer before Defendants write to the Court. We are available for a meet and confer anytime tomorrow between 1pm and 5pm. Please let us know when you are available tomorrow. Thank you.

Peter Scutero
New York City Law Department

From: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>

Sent: Monday, May 8, 2023 7:26 PM

To: Scutero, Peter (LAW) <PScutero@law.nyc.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; GrayLegalTeam@dw.com; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam@aboushi.com; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; Stephen Mc Quade <smcquade@pittalaw.com>; aquinn@quinnlawny.com; PBALitigationTeam@schlamstone.com; anthony.coles@dlapiper.com

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Peter,

The Order provides for the production of the “*entire* NYPD Administrative Guide.” ECF No. 961 (emphasis added). It must be produced “on or before May 19,” as that date was incorporated into the Order when Defendants provided it. This has been the subject of extensive conferrals and now a Court Order and we will not excuse Defendants from their obligations to produce the full AG by May 19.

As to what the operative date is, it should be the Administrative Guide that was in effect during the Amended Schedule A protests. If edits were made to the Guide during that time period, please provide all versions of the AG sections that existed at any time during the Amended Schedule A protests, *i.e.* before and after their amendment.

Regards,

Lillian

Lillian Marquez | Assistant Attorney General

New York State Office of the Attorney General, Civil Rights Bureau
28 Liberty St., New York, NY 10005

Tel: 212-416-6401 | lillian.marquez@ag.ny.gov | www.ag.ny.gov

Pronouns: She/Her/Hers

From: Scutero, Peter (LAW) <PScutero@law.nyc.gov>

Sent: Monday, May 8, 2023 10:46 AM

To: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; GrayLegalTeam@dwt.com; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; rolonlegalteam@aboushi.com; Lalit Loomba <lloomba@quinnlawny.com>; Steven Bushnell <sbushnell@quinnlawny.com>; Stephen Mc Quade <smcquade@pittalaw.com>; aquinn@quinnlawny.com; PBALitigationTeam@schlamstone.com; anthony.coles@dlapiper.com

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[EXTERNAL]

Counsel,

We write concerning the production of the Administrative Guide. The Administrative Guide is a document in which changes are made at a fairly regular basis, that is to say that the Guide may be changed daily in some circumstances, making it difficult to pinpoint the version of the Guide subject of Plaintiffs' request. Having dates and specific sections of the Guide would go a long way in assisting Defendants in identifying the particular version of the Guide to produce and may even expedite Defendants' production. Given that Defendants are making best efforts to comply, under the circumstances, we request Plaintiffs provide relevant dates by which Defendants can in turn produce the corresponding Guide that was operative during those dates. We also request Plaintiffs select the Guide Sections from the Guide Table of Contents that they seek and are relevant to this case, in order to avoid the production of irrelevant material and lessen the burden on the Defendants. A copy of the Table of Contents from the current Guide is attached to assist you with our request.

We request Plaintiffs provide a response by close of business on Tuesday, May 9th. Thank you.

Regards,

Peter Scutero
New York City Law Department
100 Church Street
New York, NY 10007
pscutero@law.nyc.gov
T: 212-356-2410

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